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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/511,586

06/21/2005

Jean-Marc Scherrer

0502-1020

4528

466

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06/13/2008

YOUNG & THOMPSON

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EXAMINER

LAUX, JESSICA L

ART UNIT

PAPER NUMBER

3635

MAIL DATE

DELIVERY MODE

06/13/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/511,586	Applicant(s) SCHERRER ET AL.	
	Examiner JESSICA LAUX	Art Unit 3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/18/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 and 5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear what is meant by the limitation “and constituting a lining element”. The lining element has not been sufficiently described or disclosed in the claim or the specification to provide a clear understanding of the structure of this element and how it relates to the rest of the device. Further it is noted in claim 5 that the recitation “the element” should be “the lining element” for clarification purposes.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Hunt (4583331).

Claim 1: Hunt discloses a device intended to guarantee the tension and free access to the reverse face of a canvas (12) stretched on support means (10), and constituting a lining element, and in particular a wall or ceiling element (as seen in the figures)), comprising at least one mechanical closure, of the zipper type (Col. 6, lines 39+-45), which extends over at least a part of at least one of the dimensions of said wall, characterized in that the canvas is constituted by an elastic material and in that its

dimensions, before being placed under tension, are less than those of the support means (where Hunt discloses tension over the support frame thereby disclosing that the canvas is smaller than the area to be covered).

Claim 4: Device according to claim 1, characterized in that the canvas is constituted by polyvinyl chloride or PVC (Col. 5, lines 55-65).

Claim 5: Device according to claim 1, characterized in that the element presents the form of a cylinder and the closure is disposed along one of the generatrices thereof (as seen in figures 7 and 12).

Claim 6: Device according to Claim 5, characterized in that the element is constituted by a cylinder with polygonal base (where the polygon base is seen as a side end view as seen in figures 1-2).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-3, 7-9, 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunt (4583331).

Claims 2-3, 10: Hunt discloses the device according to Claim 1, but does not disclose that the dimension of the canvas, in the direction in which the closure extends, is less than that of its support means by a quantity included between 0.5 and 3% and preferably of the order of 2% or by 0.5 and 15% and preferably the order of 7%.

However applicant has not disclosed that the claimed dimension provide an advantage or solve a stated problem. Further applicant has disclosed a broad range of dimensions with several "preferable" options. It therefore appears to be an obvious matter of design choice that would have been obvious to one of ordinary skill in the art to have various dimensions of the canvas depending on the use of the structure and what forces would be applied to the canvas in determining how much tension would be necessary and therefore what dimension the canvas should be.

Claims 7-9: Hunt discloses the device according to claim 1, but does not expressly disclose how the closure is fixed to the canvas. However, Hunt does disclose that adhesion, welding or stitching are all acceptable forms of adhere the canvas (Col. 5, lines 55-58). It would have been obvious at the time the invention was made to modify the attaching means for the closure of Hunt with the disclosed attaching means of welding or stitching (as disclosed by Hunt) to provide a secure and sealed connection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JESSICA LAUX whose telephone number is (571)272-8228. The examiner can normally be reached on Monday thru Thursday, 9:00am to 5:00pm (est).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jeanette E Chapman/
Primary Examiner, Art Unit 3633

/J. L./
Examiner, Art Unit 3635